

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>UNITED STATES of AMERICA</b>	*	<b>CIVIL ACTION</b>
<b>Plaintiff</b>	*	<b>NUMBER: 19-13355</b>
<b>v.</b>	*	<b>JUDGE</b>
<b>0.367 ACRES of LAND, MORE or LESS, SITUATED in PARISH of PLAQUEMINES STATE of LOUISIANA, and ESTATE of MICHAEL JONES, ET AL</b>	*	<b>MAGISTRATE</b>
	*	<b>TRACT NO. 410E</b>
<b>Defendants</b>	*	
*	*	*

**COMPLAINT IN CONDEMNATION**

1. This is an action of a civil nature brought by the United States of America for the taking of property, under its power of eminent domain, and for the ascertainment and award of just compensation to the parties in interest.
2. The authority for the taking are set forth in Schedule "A" annexed hereto and made a part hereof.
3. The uses for which the property is to be taken and the property to be taken, the estates to be taken and the names and addresses of the persons having or claiming an interest in said property are described in Schedules "B", "C", "D", "E", "F" and "G" annexed hereto and made a part hereof.
4. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

**WHEREFORE**, Plaintiff demands judgment that the property be condemned, and that just compensation for the taking be ascertained and awarded, and such other relief as may be lawful and proper.

Respectfully submitted,

PETER G. STRASSER  
UNITED STATES ATTORNEY

/s/ *Glenn K. Schreiber*

GLENN K. SCHREIBER  
Assistant United States Attorney  
U.S. Attorney's Office (E.D. La.)  
650 Poydras Street, Suite 1600  
New Orleans, Louisiana 70130  
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Fax: (504) 680-3174  
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SCHEDULE A

Tract No. 410E

**AUTHORITY FOR THE TAKING:**

The authority for the taking of the interest in land is under and in accordance with 40 U.S.C. §§ 3113 and 3114; 33 U.S.C. §§ 591 and 594; and 33 U.S.C. § 701n, which authorizes the repair and rehabilitation of any flood control work threatened or destroyed by flood; Section 203 of the Flood Control Act of 1962, Pub. L. No. 87-874, 76 Stat. 1173, 1184, as amended, which authorized the hurricane flood protection project on the Mississippi River Delta at and below New Orleans, Louisiana, now known as the New Orleans to Venice Hurricane Protection Project; and Chapter 3 of Title I of Division B of the Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006, Pub. L. No. 109-148, 119 Stat. 2680, 2762-2763, which Act made funds available for such purposes.

SCHEDULE B

Tract No. 410E

**PUBLIC USES:**

The public uses for which said interest in land is taken are as follows:

Said interest in land is necessary for the construction, repair and rehabilitation of the New Orleans to Venice Hurricane Protection Project, Westbank River Levee, Plaquemines Parish, Louisiana, and for such other use as may be authorized by Congress or by Executive Order.

## SCHEDULE C

Tract No. 410E**LEGAL DESCRIPTION:**

A **CERTAIN TRACT OF LAND** designated as Tract No. 410E, together with any and all buildings, improvements and appurtenances thereon, located in Section 2, Township 20 South, Range 28 East, Plaquemines Parish, Louisiana, and being a portion of a right of way to be acquired to accommodate construction of the New Orleans to Venice Hurricane Protection Project, being more particularly described as follows:

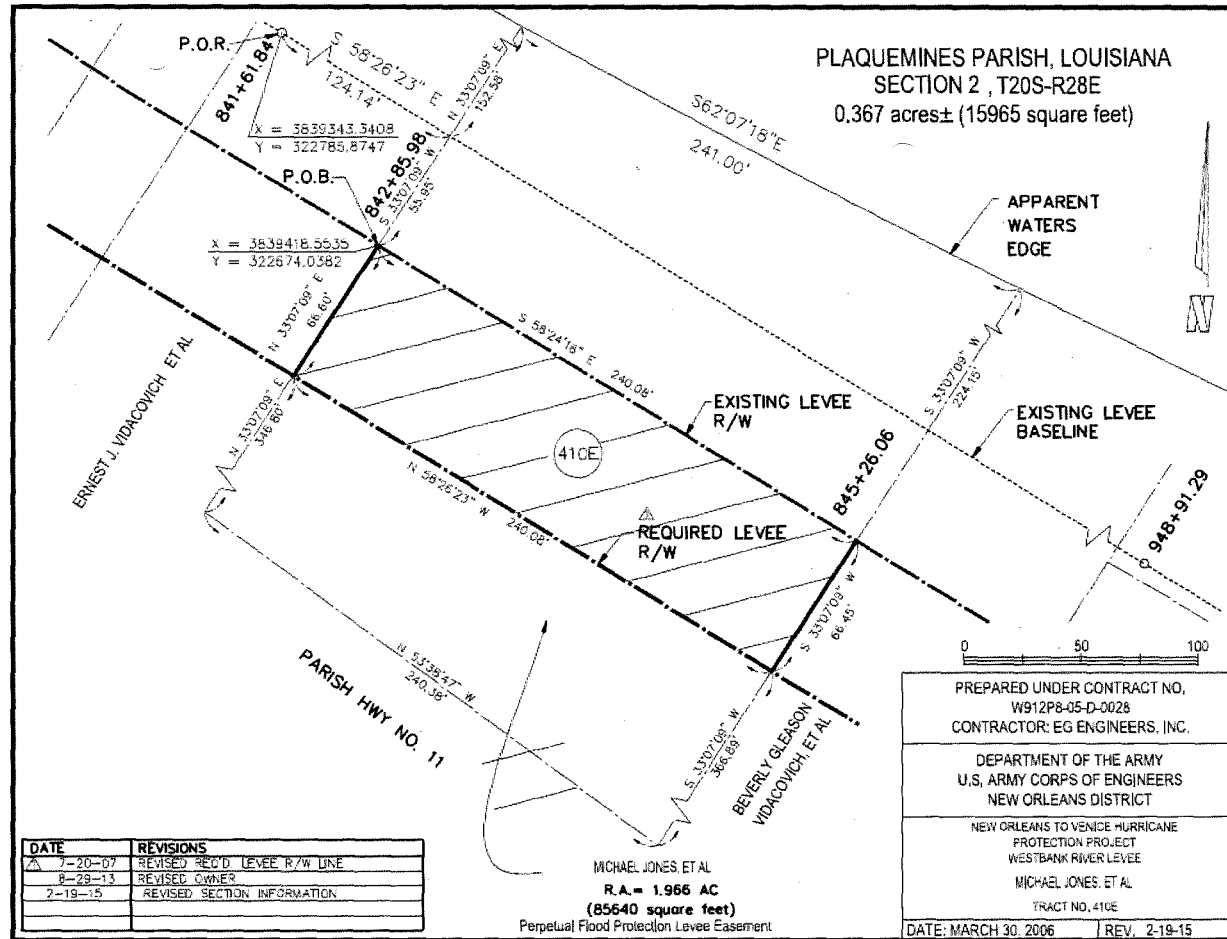
For a **POINT OF REFERENCE (P.O.R.)**, commence at the U. S. Corps of Engineers Buras Levee District baseline monument at Station 841+61.84, having coordinate values of  $x=3839343.3408$  and  $y=322785.8747$ , thence run South 58 degrees, 26 minutes, 23 seconds East along said Buras Levee District baseline a distance of 124.14 feet to a point, thence run South 33 degrees, 07 minutes, 09 seconds West a distance of 55.95 feet to the **POINT OF BEGINNING (P.O.B.)**, having coordinate values of  $x=3839418.5535$  and  $y=322674.0382$ .

From the **POINT OF BEGINNING**, run South 58 degrees, 24 minutes, 18 seconds East, a distance of 240.08 feet; thence run South 33 degrees, 07 minutes, 09 seconds West, a distance of 66.45 feet; thence run North 58 degrees, 26 minutes, 23 seconds West, a distance of 240.08 feet; thence run North 33 degrees, 07 minutes, 09 seconds East, a distance of 66.60 feet to the point of beginning.

The above described tract **0.367 acres, more or less.**

Being all or part of the same property acquired by Joseph Jones (Sr.) and Ida B. Granderson Jones by cash sale dated October 7, 1925, from George Lee Hays, Daisy Lee Hays, Markley Lee Hays and Lee Hays recorded in COB 62, folio 53 of the Conveyance Records of Plaquemines Parish, Louisiana; and by Lucille Jones by Judgment of Possession in the Succession of Irving S. Jones case number 24-851, dated January 11, 1984, recorded January 12, 1984 in COB 584 folio 300 of the Conveyance Records of Plaquemines Parish, Louisiana; and Isley A. Riley and Oneas A. Riley by Judgment of Possession in the Succession of Jessica Jones Riley, case number 84-18666, dated December 14, 1984 in COB 606, folio 76 of the Conveyance Records of Plaquemines Parish, Louisiana; and by Virginia Jones Hunter by Judgment of Possession in the Succession of Vivian Jones Williams, case number 34-180, dated June 22, 1990 recorded in COB 735, folio 635 of the Conveyance Records of Plaquemines Parish, Louisiana; and by Certificate of Redemption by Estate of Joseph Jones, Sr. et al dated September 8, 1995 and recorded in COB 867 folio 147 of the Conveyance Records of Plaquemines Parish, Louisiana; and by Charlton B. Ogden, II and Mary Ann Bradburn Ogden by sale from Calvin Jones dated October 11, 1963 and recorded in COB 266, folio 827 of the Conveyance Records of Plaquemines Parish, Louisiana; and by Frank A. Ashby, Jr., and Marvis Hardy Ashby, husband and wife, and F. Rivers Lelong, Sr., single by sale dated August 5, 1986 from Charlton B. Ogden, II, husband of Mary Ann Bradburn Ogden, recorded in COB 651, folio 77 of the Conveyance Records of Plaquemines Parish, Louisiana; and by Ashby Family

Properties, LLC by Act of Exchange and Capital Contribution by Frank Ashby, Jr. and Mavis Hardy Ashby dated November 6, 1967 and recorded in COB 924, folio 140 of the Conveyance Records of Plaquemines Parish, Louisiana; and by Charlotte Ogden Binnings, Charlton B. Ogden III and Michael Herbst Ogden by Judgment of Possession in the Succession of Mary Anne Bradburn Ogden, case number 97-30399, in the Twenty Second Judicial District Court for the Parish of St. Tammany, Louisiana recorded in COB 1242, folio 279 of the Conveyance Records of Plaquemines Parish, Louisiana; and by the Estate of F. Rivers Lelong, Sr. in the Succession proceedings filed in Civil District Court for the Parish of Orleans, State of Louisiana case number 11-6632, Division M, Letters of Independent Executorship approved June 22, 2011 being recorded in COB 1247 folio 829 of the Conveyance Records of Plaquemines Parish, Louisiana. See also Affidavits of Death and Heirship are recorded in the conveyance records of Plaquemines Parish, Louisiana at the following entries: COB 1274 pages 833, 836, 839, 842, 842, 845, 849, 851, 854, 857 and COB 1248 pages 242, 246, 250, 254, 258, 262.



SCHEDULE D

Tract No. 410E

SCHEDULE E

Tract No. 410E

**ESTATE TAKEN:**

A perpetual and assignable right and easement in Tract No. 410E to construct, maintain, repair, operate, patrol and replace a flood protection levee, including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquire; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.



SCHEDULE F

Tract No. 410E

**ESTIMATE OF JUST COMPENSATION:**

The estimated just compensation to be deposited in the Registry of the Court: Fifteen Thousand and no/100 dollars (\$15,000).

SCHEDULE G

Tract No. 410E

**NAMES AND ADDRESSES OF INTERESTED PARTIES:**

Mabel Beasley  
*aka* Mable Mackey Beasley  
1636 Haydel Drive  
Marrero, LA 70072

Inez Burton  
*aka* Inez Mackey Burton  
1501 Gallier Street  
New Orleans, LA 70117

Sylvania M. Barnette  
*aka* Sylvania Mackey Barnett  
3034 N. Claiborne Avenue  
New Orleans, LA 70117

Ashby Family Properties, L.L.C.  
c/o Frank A. Ashby, Jr.  
228 St. Charles Avenue  
New Orleans, LA 70130

Virginia Jones Hunter  
179 Lucretia Lane  
Buras, LA 70041

Benjamin Jones, Sr.  
31340 Highway 23  
Buras, LA 70041

Ulis S. Jones, Sr.  
*aka* Ulis S. Jones  
2713 Cardinal Drive  
Marrero, LA 70072

Elaine Jones  
*aka* Elaine Jones Moore  
245 W. Bobier Drive St. 45  
Vista, CA 92083

Anita Jones Doty  
8841 S. Ridgeland Avenue  
Chicago, IL 60617

Carmena Jones Washington  
11323 S. Wallace Street  
Chicago, IL 60628

Francis Rivers Lelong, Jr.  
Independent Co-Executor of the  
Succession of Francis Rivers Lelong, Sr.  
Jones Walker Law Firm, 50<sup>th</sup> Floor  
201 St. Charles Avenue  
New Orleans, LA 70170

Bruce Richardson Lelong  
Independent Co-Executor of the  
Succession of Francis Rivers Lelong, Sr.  
6033 Constance St.  
New Orleans, La. 70118

Charlton Beattie Ogden, III  
23 Hummingbird Road  
Covington, LA 70433

Michael Herbst Ogden  
aka Michael Herbert Ogden  
118 West 24<sup>th</sup> Avenue  
Covington, LA 70433

Charlotte Ogden Binnings  
527 West 14<sup>th</sup> Street  
Covington, LA 70433

Earl Mackey  
110 Gaulding Street  
Jefferson, LA 70121

Michael Jones aka Michael Joseph Jones  
7001 Lawrence Road, Apt. 220  
New Orleans, LA 70126

Monique Jones  
8300 Red Bluff Road, Apt. 628  
Pasadena, TX 77507

Bettina Smith  
7817 Mayo Boulevard  
New Orleans, LA 70126

Michael Collins  
Address unknown

Melony Collins-Banks  
*aka* Melony Collins  
3118 Monroe Street  
New Orleans, LA 70118

Unknown Owners

District Attorney  
c/o Charles J. Ballay  
25<sup>th</sup> Judicial District Court  
81; 301-A Main Street  
Belle Chasse, La. 70037

Judgments against Michael I. Jones, *aka*  
Michael Jones, recorded at Book 414, Page  
245; Book 418, Page 409; Book 431, Page  
81; and Book 431, Page 83, Mortgage  
Records of Plaquemines Parish

NAS JRB Credit Union, represented by  
Joshua P. Mathews, attorney  
2550 Belle Chasse hwy, Suite 200  
Gretna, La. 70053

Judgment against Michael D. Collins  
recorded Book 634, folio 78, Mortgage  
Records of Plaquemines Parish

Plaquemines Parish Government  
c/o President Billy Nungesser  
8056 Highway 23, Suite 308  
Belle Chasse, LA 70037

Commandeering Authority

Sheriff & Ex-Officio Tax Collector  
Parish of Plaquemines  
302 Main Street  
Belle Chasse, LA 70037

Taxing Authority

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff Orleans

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Glenn K. Schreiber, AUSA 650 Poydras St., Suite 1600  
U.S. Attorney's Office New Orleans, LA 70130  
Eastern District of Louisiana 504-680-3093

**DEFENDANTS**

0.367 Acres of Land, more or less, situated in Parish of Plaquemines, States of Louisiana, and Estate of Michael Jones, et al

County of Residence of First Listed Defendant Plaquemines

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Rule 71A, Fed.R.Civ.P. and the 5th Amendment of the Constitution per 28 USC Sec. 1345  
Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/30/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Glenn K. Schreiber

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE